

Appln. Ser. No. 09/634,552
Response AF dated Mar. 31, 2006
In Reply to Office Action Made Final of Jan. 31, 2006

REMARKS

Claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164 stand rejected.

Claims 112-123

Claim 112 recites, in part, "means for programming the transceiver to process communication protocol for a local area network or a personal area network".

The Office Action Made Final of January 31, 2006 ("the Office Action Made Final") states that Meador does not teach at least these elements as set forth in claim 85. However, the Office Action Made Final alleges that Gorsuch teaches "programming one of the receiver and the transmitter to process communication protocol for a local area network or a personal area network". The Office Action Made Final at page 3. The Office Action Made Final specifically cites, in support of the rejection, Gorsuch at FIG. 6, box 240 and col. 10, lines 50-59.

Applicants respectfully submit that Gorsuch does not teach "means for programming the transceiver to process communication protocol for a local area network or a personal area network" as set forth in claim 112. Applicants respectfully direct the attention of the Examiner to FIG. 6 of Gorsuch which was cited in support of the rejection.

Gorsuch describes and illustrates a CDMA transceiver 140 and an 802.11 transceiver. Note that whether the W-LAN detection circuit 201 switches the switches 211a, 211b to use the CDMA branch or the 802.11 branch, in either case, neither the CDMA transceiver 140 nor the 802.11 transceiver 240 is programmed as set forth in claim 112. It appears that CDMA transceiver 140 is the same CDMA transceiver whether the CDMA branch is used or not. The 802.11 transceiver 240 is the same 802.11 transceiver whether the CDMA branch is used or not. Neither the CDMA transceiver 140 nor the 802.11 transceiver 240 is programmed.

Applicants respectfully submit that Gorsuch does not make up for the teaching deficiencies of Meador because Gorsuch does not teach at least "means for programming the transceiver to process communication protocol for a local area network or a personal area network". Furthermore, it is not alleged that Janc or Chen make up for the teaching deficiencies of Meador and Gorsuch in at least this respect.

Appln. Ser. No. 09/634,552
Response AF dated Mar. 31, 2006
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Accordingly, it is respectfully submitted that claim 112 and its rejected dependent claims (i.e., claims 113-123) are in condition for allowance.

Claims 1-24, 32-43, 85-105 and 164

Claims 1 and 32 recite, in part, "programming one of the receiver and the transmitter to process communication protocol for a local area network or a personal area network". Claim 85 recites, in part, "means for programming one of the receiving means and transmitting means to process communication protocol for a local area network and a personal area network".

The Office Action Made Final states that Meador does not teach at least these elements as set forth in claims 1, 32 and 85. However, the Office Action Made Final alleges that Gorsuch teaches "programming one of the receiver and the transmitter to process communication protocol for a local area network or a personal area network". The Office Action Made Final at page 3. The Office Action Made Final specifically cites, in support of the rejection, Gorsuch at FIG. 6, box 240 and col. 10, lines 50-59.

Applicants respectfully submit that Gorsuch does not teach "programming one of the receiver and the transmitter to process communication protocol" as set forth in claims 1 and 32 and does not teach "means for programming one of the receiving means and transmitting means to process communication protocol for a local area network and a personal area network" as set forth in claim 85. Applicants respectfully direct the attention of the Examiner to FIG. 6 of Gorsuch.

Where is the receiver/receiver means and where is the transmitter/transmitter means in FIG. 6 of Gorsuch? Gorsuch does not describe a receiver/receiver means and a transmitter/transmitter means and its relationship with the transceiver 140, 240.

Is the receiver/receiver means or the transmitter/transmitter means in the transceiver 140, 240? If the receiver/receiver means and transmitter/transmitter means are inside the transceiver 140, 240, then Gorsuch is silent as to programming one of the receiver and transmitter and is silent as to means for programming one of the receiving means and transmitting means to process communication protocol. In fact, if so interpreted, it does not appear from the cited text or drawing that transceiver 140, 240 is programmed at all.

Is the transceiver 140, 240 programmed?

Appln. Ser. No. 09/634,552
Response AF dated Mar. 31, 2006
In Reply to Office Action Made Final of Jan. 31, 2006

Is one of the receiver/receiver means and the transmitter/transmitter means programmed?

Applicants respectfully submit that Gorsuch does not make up for the teaching deficiencies of Meador because Gorsuch does not teach at least "programming one of the receiver and the transmitter to process communication protocol" and does not teach at least "means for programming one of the receiving means and transmitting means to process communication protocol". Furthermore, it is not alleged that Janc or Chen make up for the teaching deficiencies of Meador and Gorsuch in at least this respect.

Accordingly, it is respectfully submitted that claims 1, 32 and 85 and their rejected dependent claims (i.e., claims 2-24, 33-43, 86-105 and 164) are in condition for allowance.

Claims 17, 18, 23, 24, 98, 99, 104, 105, 120 and 121

Applicants respectfully submit that Office Action Made Final did not address the following arguments made by Applicants in the previous response. Merely and allegedly finding individual elements in various cited documents does not address the various arguments made by Applicants.

Improper Combination of Cited Documents

The Office Action Made Final at pages 6 and 7 states that Chen makes up for the teaching deficiencies of Meador in view of Gorsuch and further in view of Janc. However, Applicants respectfully submit that one of ordinary skill in the art as pertains to Meador, Gorsuch and Janc would not have looked to Chen to make up for teaching deficiencies. Applicants respectfully submit that, while Meador, Gorsuch and Janc relate to communications using an antenna, Chen relates to "systems that allow multiple plesiochronous digital hierarchy payload data streams to be synchronously communicated using *fiber optical* transceivers". Chen at col. 1, lines 7-10 (italics added). Applicants respectfully submit that one of ordinary skill in the wireless communication arts of Meador, Gorsuch and Janc would not look to an invention relating to multiple plesiochronous digital hierarchy payload data streams of fiber optic systems. Applicants respectfully submit that one of ordinary skill in the wireless communication arts of Meador, Gorsuch and Janc looking to modify, for example, a clock frequency used in, for example, downconversion and/or upconversion would not look to a wireline invention that

Appln. Ser. No. 09/634,552
Response AF dated Mar. 31, 2006
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removed "the need to perform stuffing and de-stuffing of the data streams" in a fiber optics system. See, e.g., Chen at Abstract. Applicants respectfully submit that Chen was improperly combined with Meador, Gorsuch and Janc.

Dependent Claims Depend From Independent Claims

Applicants also respectfully draw the attention of the Examiner to the fact that these claims depend from other claims. This affects the interrelationship of the components beyond merely the elements recited in claims 17, 18, 23, 24, 98, 99, 104, 105, 120 and 121.

Claims 17, 18, 98, 99, 120 and 121 may relate, for example, to a clock having a clock frequency equal to $f_{vco}(N+1)/N$ that is used, for example, for downconversion. Although FIG. 5 of Chen relates to TAXI transmitter 314, FIG. 6 relates to TAXI receiver 406. Applicants respectfully submit that FIG. 6 does not illustrate downconversion using a clock with a frequency equal to $f_{vco}(N+1)/N$. For at least the above reasons, the cited documents including Chen does not present a *prima facie* case of obviousness with respect to claims 17, 18, 98, 99, 120 and 121.

Claim 23, 24, 104 and 105 may relate, for example, to a clock having a clock frequency equal to $f_{vco}(N+1)/N$ that is used, for example, for upconversion. Since FIG. 5 illustrates variables K and N, how can the Examiner be sure that values are chosen for K and N so as to make an upconversion? Furthermore, according to FIG. 5, if the "Clock" input to the TAXI Transmitter 314 allegedly has a frequency of $f_{vco}(N+1)/N$, that implies that the "Divide By N" 328 is the VCO for the transceiver. Does the alleged Chen transceiver support such an interpretation? Is the output of the "Divide By N" 328 used throughout any alleged Chen transceiver as a VCO? Applicants respectfully note that Chen does not even mention a VCO. For at least the above reasons, the cited documents modified by Chen does not present a *prima facie* case of obviousness with respect to claims 23, 24, 104 and 105.

The Office Action Made Final did not address the M.P.E.P. § 2143.01(VI) issue raised in the previous response.

Since it appears that the alleged clock in Chen having a frequency equal to $f_{vco}(N+1)/N$ is not used by both the TAXI transmitter 314 (FIG. 5) and the TAXI receiver 406 (FIG. 6), then the teachings of Chen would fundamentally change the operation of the Meador chip architecture. M.P.E.P. § 2143.01(VI)("[i]f the proposed modification or combination of the prior

Appln. Ser. No. 09/634,552
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art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious").

Improper Combination of Cited Documents

Finally, as stated above, Chen does not even mention a VCO. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not look to Chen for teachings of modifying the frequency of a VCO (f_{vco}) into, for example, $(N+1)/N$ times the frequency of the VCO (f_{vco}). For at least this reason, Applicants respectfully submit that impermissible hindsight solely in view of the recited claims was used in maintaining this rejection.

For at least the above reasons, the rejection should be withdrawn with respect to claims 17, 18, 23, 24, 98, 99, 104, 105, 120 and 121.

Claims 51-77

Claim 51 recites, in part, "a controller to program one of the receiver and transmitter components to process communication protocol for a local area network or a personal area network".

As with discussed above, Gorsuch does not make up for the teaching deficiencies of Meador because Gorsuch does not teach a controller to program one of the receiver and transmitter components.

Applicants respectfully draw the attention of the Examiner to W-LAN detection circuit 201 which detects the presence or availability of a W-LAN base station. If there is no W-LAN base station detected, then the detection circuit 201 controls switches 211A and 211B. Gorsuch at FIG. 6 and col. 10, lines 44-49.

Just because the detection circuit 201 controls two switches 211A, 221B does not mean that Gorsuch teaches a controller to program one of the receiver and transmitter components. In fact, FIG. 6 only shows a transceiver 140, 240 and does not teach "to program one of the receiver and transmitter components".

Applicants respectfully submit that Gorsuch does not make up for the teaching deficiencies of Meador because Gorsuch does not teach at least "programming one of the receiver and the transmitter to process communication protocol". Furthermore, it is not alleged

Appln. Ser. No. 09/634,552
Response AF dated Mar. 31, 2006
In Reply to Office Action Made Final of Jan. 31, 2006

that Jane or Chen make up for the teaching deficiencies of Meador and Gorsuch in at least this respect.

Accordingly, it is respectfully submitted that claim 51 and its rejected dependent claims (i.e., claims 52-77) are in condition for allowance.


Conclusion

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: March 31, 2006

Respectfully submitted,


Michael T. Cruz
Reg. No. 44,636

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8084
Facsimile: (312) 775-8100